

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA	:	1:08CR233-2
	:	
v.	:	
	:	
MELVIN HERBERT JOHNSON	:	FACTUAL BASIS

NOW COMES the United States of America, by and through Anna Mills Wagoner, United States Attorney for the Middle District of North Carolina, and as a factual basis under Rule 11, Federal Rules of Criminal Procedure, states the following:

On December 7, 2007, a Confidential Source (CS) working for the Mt. Airy Police Department wore a concealed recording device with Melvin Herbert JOHNSON, also known as "Wizard," concerning the sale of anhydrous ammonia and ephedrine pills (precursor chemicals used in the manufacture of methamphetamine) to M. JOHNSON. M. JOHNSON said that he would have to check with the money man, who M. JOHNSON referred to as "Cuz," (later identified as Cleve Alexander Johnson). During the same meeting, December 7, 2007, the CS told M. JOHNSON that he/she also knew a "Mexican" who the CS used to work with who had five or six pounds of methamphetamine that he had to get rid of and asked M. JOHNSON if he and his money man (C. Johnson) would be interested in getting one or all six of the pounds of methamphetamine. M. JOHNSON then used his telephone to Direct Connect (walkie talkie feature) to C. Johnson (in the CS's presence) to determine if C.

Johnson wanted to purchase pound quantities of methamphetamine. C. Johnson said he would purchase one pound and, depending on the quality, may want more thereafter.

Defendant M. JOHNSON called the CS multiple times trying to coordinate the purchase of one pound of methamphetamine through the CS from an undercover officer posing as a Hispanic drug supplier on Friday, December 7, 2007, Saturday, December 8, 2007, and again on Tuesday, December 11, 2007. On December 11, 2007, Defendant M. JOHNSON and C. Johnson called the CS from Brintle's Truck Stop (3630 West Pine Street, Mount Airy, N.C.) informing the CS that C. Johnson and M. JOHNSON were at Brintle's Truck Stop eating breakfast and that they had been up in Low Gap earlier trying to find the CS's house. The CS called the detectives and informed them that both M. JOHNSON and C. Johnson were at the CS's residence in a black Acura Legend (registered to Cleve Johnson). The CS met with C. Johnson and Defendant M. JOHNSON to take C. Johnson and Defendant M. JOHNSON to meet the Hispanic supplier to purchase the one pound of methamphetamine. During the meeting between C. Johnson, M. JOHNSON and the CS, C. Johnson told the CS that C. Johnson wanted to put the money in the Hispanic's hand because C. Johnson thought he might be able to talk the Hispanic into selling the methamphetamine to C. Johnson at a lower price.

Plans were then formulated to conduct a traffic stop of C. Johnson and Defendant M. JOHNSON who had traveled to Mount Airy, NC, to purchase one pound of methamphetamine from an individual they believed was a Hispanic drug supplier.

Uniformed officers were notified by the detectives that the Acura had an insurance stop, would contain \$16,000 for a drug deal, and provided descriptions for C. Johnson and Defendant M. JOHNSON. The uniformed officers stopped the Acura based on the insurance violation and informed C. Johnson of the violation. C. Johnson told Officer Watson that C. Johnson had United States Currency in the vehicle that belonged to his trucking company in High Point, NC. Officers Watson and Garcia located \$16,000 (160-\$100 bills) in the console of the black Acura being operated by C. Johnson. C. Johnson was issued a citation by Officer Watson for an insurance violation and released.

On January 23, 2008, an undercover officer (UC), equipped with a concealed recording device and posing as a Hispanic drug supplier, was introduced by the CS to C. Johnson in Greensboro, North Carolina, to further negotiate the purchase of one pound of methamphetamine. During the meeting, C. Johnson advised the UC that from January, 2007, to the present, C. Johnson had lost \$30,000 to law enforcement. C. Johnson further advised that \$16,000 had been intended to purchase the one pound of

methamphetamine from the UC on December 11, 2007, in Mount Airy, NC.

On June 18, 2008, Defendant M. JOHNSON was arrested on the instant federal warrant. Defendant M. JOHNSON waived his Miranda rights and admitted involvement in the instant conspiracy with Cleve Johnson.

This the 31st day of July, 2008.

Respectfully submitted,

ANNA MILLS WAGONER
United States Attorney

/S/ RANDALL S. GALYON
Assistant United States Attorney
NCSB #23119
United States Attorney's Office
P. O. Box 1858
Greensboro, NC 27402
336/333-5351
E-mail: Randall.Galyon@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2008, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Eric D. Placke, Esquire.

/S/ RANDALL S. GALYON
Assistant United States Attorney
NCSB #23119
United States Attorney's Office
Middle District of North Carolina
P. O. Box 1858
Greensboro, NC 27402
Phone: 336/333-5351
E-mail: randall.galyon@usdoj.gov